IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 11968 of 2007(Y)

PETITIONER:

ALIYAMMA, AGED 70, W/O.PACHY,
LAHETHU PUTHEN VEEDU,THYMARAMMKARA MURI,
KATTOOR VILLAGE.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
COLLECTORATE, PATHANAMTHITTA.

2. THE R.D.O.,
R.D.O OFFICE, THIRUVALLA.

3. THE VILLAGE OFFICER, KATTOOR VILLAGE
OFFICE.

4. K.O.CHACKO, KARINGATTI,
PADINJATTOOTHARA, KATTOOR.

BY GOVERNMENT PLEADER SRI. I.V. PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.11968 OF 2007

DATED THIS THE 9th DAY OF APRIL, 2007

JUDGMENT

Heard the learned counsel for the petitioner as also the learned Government pleader appearing for respondents 1 to 3. In the nature of the order I propose to pass, I do not find it necessary to issue notice to the 4th respondent.

The petitioner and her 78 year old husband are residing in the property purchased as per Ext.P1 sale deed. Now the property is owned by the petitioner and her son. The son is an employee in the Gulf country. On a complaint filed by the 4th respondent, the 2nd respondent directed the cutting and removal of mango tree standing in the petitioner's property allegedly without any notice or hearing the petitioner or her son, who are the owners of the property and the mango tree. The petitioner preferred Ext.P3 application before the 1st respondent in this regard seeking to set aside Ext.P2 order and to reconsider the matter. The petitioner now seeks only a direction to the 2nd respondent to consider Ext.P3 application and pass appropriate orders thereon expeditiously. After hearing the learned counsel for the

petitioner as also the learned Government pleader, I dispose of this writ petition directing the 2nd respondent to consider Ext.P3 application filed by the petitioner after affording an opportunity of being heard to the petitioner as well as the 4th respondent as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. Till then further proceedings pursuant to Ext.P2 shall be kept in abeyance . The 1st respondent shall forward Ext.P3 received by him to the 2nd respondent to facilitate consideration of the petition by the 2nd respondent.

S. SIRI JAGAN, JUDGE

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